

SENTENCE DATA SHEET

DEFENDANT: Robert Erford, Jr.

CRIMINAL NO: 4:20-cr-312

GUILTY PLEA: Count One (Title 18, United States Code, Section 371)
(Conspiracy)

SUBSTANCE OF PLEA

AGREEMENT: Pursuant to Rule 11(c)(1)(A) and (B) - Defendant agrees to enter a guilty plea to Count One (Title 18, United States Code, Section 371) (Conspiracy) of the Information; and waives his right to appeal and collateral attack, except for a claim of ineffective assistance of counsel.

In exchange, the United States agrees: that if the defendant persists in his guilty plea and fulfills the terms of this agreement, (1) it will not oppose a two-point reduction for acceptance of responsibility and an additional one-point reduction under U.S.S.G. 3E1.1(b)(1); and (2) at the time of sentencing, the United States may, at its sole discretion, file a motion for downward departure pursuant to Section 5K1.1 of the sentencing Guidelines. However, the final determination of an appropriate sentence ultimately rests with the Court and there can be no guarantees whatsoever what sentence the Court will impose.

COUNT ONE: Conspiracy

ELEMENTS (Conspiracy)(18 U.S.C. 371):

- A. That the defendant and one other person made an agreement to commit a crime as charged in the Information;
- B. That the defendant knew of the unlawful purpose of the agreement;
- C. That the defendant joined in the agreement willfully, that is, with the intent to further the unlawful purpose; and
- D. That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the Information, in order to accomplish some object or purpose of the conspiracy.

ELEMENTS (Theft of Trade Secrets)(18 U.S.C 1832(a)(2)):

- A. That the defendant intended to convert a trade secret to the economic benefit of anyone other than the owner thereof;
- B. That the trade secret is related to a product used in or intended for use in interstate or foreign commerce;
- C. That the defendant knew or intended that the offense would injure any owner of the trade secret; and
- D. That the defendant knowingly and without authorization copied, duplicated, sketched, drew, photographed, replicated, transmitted, delivered, sent, mailed, communicated, or conveyed such information.

ELEMENTS (Theft of Trade Secrets)(18 U.S.C 1832(a)(3)):

- A. That the defendant intended to convert a trade secret to the economic benefit of anyone other than the owner thereof;
- B. That the trade secret is related to a product used in or intended for use in interstate or foreign commerce;
- C. That the defendant knew or intended that the offense would injure any owner of the trade secret; and

D. That the defendant knowingly received, bought, or possessed such information, knowing the same to have been stolen, appropriated, obtained, or converted without authorization.

PENALTIES: Count One – Imprisonment for not more than 5 years;
and/or a fine of up to \$250,000 or twice the gross gain or
loss

**SENTENCING
GUIDELINES:** Advisory

**SUPERVISED
RELEASE:** Up to 3 years

**SPECIAL
ASSESSMENT:** \$100 per count of conviction

ATTACHMENT: Plea Agreement